

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:09-CR-211
	:	
v.	:	(Chief Judge Conner)
	:	
ROBERT NELSON,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 17th day of October, 2017, upon consideration of the motion (Doc. 328) to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 by defendant Robert Nelson (“Nelson”), in light of the United States Supreme Court’s decision in Johnson v. United States, 135 S. Ct. 2551 (2015), and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Nelson’s motion (Doc. 328) to vacate, set aside, or correct sentence is GRANTED.
2. The sentence (Doc. 280) imposed on the defendant by this court on September 30, 2011 is VACATED.
3. The United States Probation Office shall prepare a revised presentence report reflecting the court’s determination that Nelson does not qualify as an armed career criminal under 18 U.S.C. § 924(e) for distribution to the parties and the court forthwith.
4. The parties shall file resentencing memoranda outlining their respective positions with respect to Nelson’s revised sentencing exposure and Guidelines’ range and any other arguments in aid of sentencing within **fourteen (14) days** after receipt of the revised presentence report.
5. The court will schedule resentencing upon receipt of the revised presentence report.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania